

Attorney's Docket No.: 06618/389001 / CIT-3102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Thornley et al. Art Unit: 2781  
Serial No.: 09/461,160 Examiner: Unknown  
Filed : December 14, 1999  
Title : PROGRAMMING SYSTEM AND THREAD SYNCHRONIZATION  
MECHANISMS FOR THE DEVELOPMENT OF SELECTIVELY  
SEQUENTIAL AND MULTITHREADED COMPUTER PROGRAMS

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE LISTING

Sir:

A notice to provide sequence listing was issued in this case. The requirement for a sequence listing, however, is respectfully traversed.

The present application relates to a software programming technique. The technique includes determining sequences of instructions, for purposes of assigning threads. The sequences are carried out in a computer software environment. There is no DNA nuclear tides or any type of biotechnology described or contemplated by this application. Quite simply, there is no DNA which could be the subject a sequence listing.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 1, 2000  
Date of deposit  
Karin E. Hardin  
Signature  
Karin E. Hardin  
Typed or Printed Name of Person Signing  
Certificate



Attorney's Docket No.: 06618/389001 / CIT-3102

for these reasons, the requirement for a sequence listing  
is respectfully traversed. Kindly accept this paper as  
fulfilling the requirement for a sequence listing issued in the  
above referenced case.

Respectfully submitted,

Date: 8/1/00

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

PTO Customer No. 20985  
Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10041831.doc



Attorney's Docket No.: 06618/389001 / CIT-3102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEQUENTIAL AND MULTITHREADED COMPUTER PROGRAMS

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed February 1, 2000 (a copy of which is enclosed), applicant as a small entity submits herewith the following:

- Payment of the basic filing fee of \$345;
- Payment of the additional/multiple dependent claims fees of \$801;
- Payment of the surcharge of \$65 for late filing of the basic filing fee and/or declaration.
- A check in the total amount of \$1211 is attached.
- A Verified Statement Claiming Small Entity Status was filed in the parent application (provisional application serial no. 60/112,817 filed December 17,

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 1, 2000

Date of Deposit

Signature

Karen E. Herden

Typed or Printed Name of Person Signing Certificate



Attorney's Docket No.: 06618/389001 / CIT-3102

1998. Status as a small entity is still desired and proper;

A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;

- A verified English translation of the application and payment of the \$0 fee required under 37 CFR §1.17(k); and
- Other:

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

8/1/00

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

PTO Customer No. 20985  
Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

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AUG 8 7 2000  
PATENT  
U.S. PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO/TITLE

09/461,160

12/14/99

THORNLEY

J 06618/389001

02/01/00

SCOTT C HARRIS  
FISH & RICHARDSON P C  
4225 EXECUTIVE SQUARE  
SUITE 1400  
LA JOLLA CA 92037

NOT ASSIGNED

DATE MAILED: 2781

02/01/00

NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed)  non-small entity is \$ 2588.

1. The statutory basic filing fee is:

missing.

insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement 21100

2. The following additional claims fees are due:

\$ 1152 for 64 total claims over 20.

\$ 546 for 7 independent claims over 3.

\$            for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.

does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration.

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

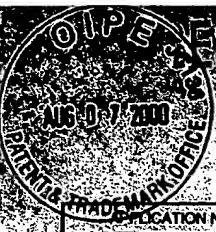
9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*A copy of this notice MUST be returned with the reply.*

08/09/2000 SDENR001 00000075 061050 09461160
01 FC:202 273.00 OP
02 FC:203 576.00 OP
03 FC:205 65.00 OP
04 FC:201 83.00 CH 297.00 OP

*YHAK 2001 T-6*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202



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## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER:

FILING RECEIPT DATE:

FIRST NAMED APPLICANT:

ATTORNEY DOCKET NO./TITLE:

19/461,150 12/14/99 THORNLEY

J 06618/389001

SCOTT C HARRIS  
FISH & RICHARDSON P C  
4225 EXECUTIVE SQUARE  
SUITE 1400  
LA JOLLA CA 92037

0262/0131

Sequence Listing  
3131/00  
7131/00

NOT ASSIGNED

333-1 2781  
DATE MAILED:

01/31/00

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file a sequence listing in compliance with 37 CFR 1.821 - 1.825 to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- 7. OTHER

**APPLICANT MUST PROVIDE**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- For Rules Interpretation, call (703) 308-1123.
- For CRF submission help, call (703) 308-4212.
- For PatentIn software help, call (703) 308-6856.

Customer Service Center

Initial Patent Examination Division (703) 308-1202